

**KANSAS STATE BOARD OF MORTUARY ARTS  
700 SW JACKSON, SUITE #904  
TOPEKA, KANSAS**

**The Board Meeting of Thursday, April 11, 2019**

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**FORMAT OF MINUTES:**

On each motion there appear the names of two board members in a parenthesis. The first named made the motion, and the second named made the second. Ayes and Nays will be recorded at a voter's request.

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**Thursday, April 11, 2019:**

- I. The regularly scheduled meeting of the Kansas State Board of Mortuary Arts (KSBMA) was called to order by President Robert J. Steil.

Roll call by Executive Secretary Mack Smith found the following board members in attendance: President Robert J. "Bob" Steil, Lawrence, Consumer; Vice President Bridgette A. Tinsley, Salina, Licensee; Barry W. Bedene, Arma, Licensee; Theresa M. Schwartz, Lawrence, Consumer; and Craig Boomhower, Garden City, Licensee. Executive Secretary Mack Smith and Assistant Attorney General Jan Arndt were also in attendance.

The board noted this meeting's tentative agenda that is displayed on the agency's website at: <http://ksbma.ks.gov/> under the heading of *Upcoming Meetings*.

(Bedene-Tinsley) To approve a final agenda for this meeting. Carried.

(Bedene-Tinsley) To adopt the January 10, 2019 regularly scheduled board meeting minutes. Carried. These minutes will be signed by President Steil and Executive Secretary Smith, then displayed on the board's website.

The board reviewed results of the written funeral directors' examination administered on January 10, 2019 noting that 100% (four of four applicants) were successful.

The board reviewed results of the written assistant funeral directors' examinations administered from February through April 2019 noting that 42% (six of fourteen applicants) were successful along with examination information for all applicants since the law requiring examination for assistant funeral directors was enacted in 2008 where 67% (205 of 306 applicants) were successful.

The board reviewed the 'Interview Times' and the 'List of Licensure Applicants' scheduled to interview with the board at this meeting, noting that three (3) applicants are scheduled to meet with the board: two (2) embalmer-funeral director applicants and one (1) reciprocal embalmer-funeral director applicant. Following approval by the Board, those same three (3) applicants are scheduled to be administered the written funeral directors' examination in conjunction with this meeting.

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- II. The board reviewed individual applications for licensure along with the executive secretary's summations of the applicant's apprentice and supervising licensee progress reports. Applicants for licensure will be interviewed later in this meeting. All funeral director applicants will be administered the written funeral directors' examination proctored by Funeral Home/ Crematory Inspector Francis Mills at 1:30 p.m. this afternoon in the Florentine Room of the Jayhawk Tower.

The Board reviewed a letter to a supervising licensee who is supervising an apprentice embalmer-funeral director advising that the issues need to be addressed and resolved—as was directed at the January Board Meeting.

Quarterly apprentice progress reports of embalmer/funeral director apprentices and supervising licensees that were due March 15, 2019 were summarized by the executive secretary with copies of the individual reports available for board members to review.

(Schwartz-Tinsley) To deny the second quarter embalming apprenticeship of an apprentice embalmer due to a lack of activity. Carried. Mr. Smith was advised to notify the apprentice and supervising embalmer why the quarter was denied.

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III. **Investigative Committee (IC) Report:**

Seven (7) files were closed with five (5) files remaining open at this time.

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IV. **K.A.R. 63-5-3**

New permanent regulation K.A.R. 63-3-5 became law on March 8, 2019.

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V. **Legislative Discussion**

The Board reviewed all bills involving the funeral profession and state government in the Legislation Report that is provided by administrative staff. Individual bills discussed, included:

SB 48—allows the legal next of kin to direct where the remains could be transported to following death with no limitations. The bill is in the Senate Public Health and Welfare Committee and has not received a hearing.

HB 2155—establishes the State Medical Examiner's Office. The bill is in the House Health and Human Services Committee.

HB 2199—Legislation introduced by the Kansas Funeral Directors Association (KFDA) regarding the coroner's authorization to cremate permit. Currently the bill is on General Orders in the Senate after passing the House, 120-1.

HB 2219—amends the Kansas Open Meetings Act (KOMA) to require recording

of all public meetings and make such recordings available/accessible to the public within 24 hours after such meeting. The bill is currently in the House Judiciary Committee.

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**VI. Board Business:**

- 1) (Schwartz-Tinsley) To approve the quarterly lists of continuing education. Carried. Lists approved were: Scheduled (On-Site) Programs (Listing by Date of Program from the KSBMA web site), Ongoing Programs, Home-Study/Correspondence Programs and the list of Crematory Operator Programs. These items are updated regularly and are available on the board's website.
- 2) (Bedene-Schwartz) To approve the list of lapsed licenses. Carried. This list contains the names of individuals whose license renewals are past due for longer than six months, who have requested that their licenses be dropped or who have died and in the case of assistant funeral directors, who are no longer employed at a funeral home under the supervision of a funeral director. The current list reviewed and approved by the Board included nine (9) assistant funeral director licenses, eight (8) crematory operator licenses, eight (8) embalmer licenses and seven (7) funeral director licenses. This information is provided for a number of reasons, including use by the Office of Vital Statistics (OVS) for purposes of licensure verification on death certificates. The board reviewed the list of Automatically Suspended Licenses. This list contains the names of individuals who have not paid their license renewal fees by the appropriate due date and have not requested that their licenses be dropped. Once a license is six months in arrears, it is then automatically placed on the lapsed license list for purposes of being dropped. This list includes thirteen (13) embalmer licenses, twelve (12) funeral director licenses and five (5) crematory operator licenses for license renewals due through March 31, 2019. The board reviewed the following lists of information for the quarter: Changes in Funeral Home and Crematory Ownership with one (1) new funeral home opening—resulting from a change in ownership. The list of Closed Funeral Homes and Crematories to report this quarter is one funeral home closure.
- 3) (Bedene-Tinsley) To approve the FY 2019 Third Quarter Report (January 1–March 31, 2019) of KSBMA Funeral Home-Crematory Inspector Francis F. Mills. Carried. 215 inspections were conducted during the 3rd quarter of FY 2019 with no (0) violations noted and 7,950 miles traveled involving visits to eighty (80) counties. A new replacement automobile has been ordered through the State of Kansas contract.
- 4) The Board reviewed the current roster of apprentice embalmers and funeral directors. A total of nineteen (19) apprentices are currently registered with the board, including: ten (10) embalmer-funeral director apprentices, four (4) embalmers and five (5) funeral director apprentices.
- 5) Discussion of articles/information of interest involving the agency, licensure, regulation and the funeral profession in general were provided to board members and legal counsel regarding articles on a wide range of subjects, including: a testing breach from an unrelated profession, a situation involving New Jersey licensees, a cremation in Arizona where the deceased (unknown to the crematory) received a radiopharmaceutical the day prior to his death/cremation, proper cremation procedures/how

funeral homes should handle consumer complaints, private autopsy controversy, death care and funeral companies on the stock market and a new licensure law in Arizona where if legislation is signed by Gov. Ducey, Arizona would become the first state to recognize most occupational licenses in other states.

- 6) Remaining Board meeting dates for 2019 are: July 11 and October 10.
- 7) Mr. Smith has not been notified of any meetings with the Office of Vital Statistics (OVS) and the Kansas Funeral Directors Association (KFDA) regarding Coroner Permits to Cremate and Death Certificates.
- 8) Updated Board Information was provided by Mr. Smith.

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## **VII. Executive Secretary's Report:**

- 1) Budget Information based on the 2019 Kansas Legislature:
  - a) Current FY 2019 (July 1, 2018–June 30, 2019) The amount approved by the 2018 Legislature and recommended by the Division of the Budget (DOB) and Governor Kelly is \$330,887.
  - b) FY 2020 (July 1, 2019–June 30, 2020) The amount requested and recommended by the DOB and Governor Kelly is \$318,862.
  - c) FY 2021 (July 1, 2020–June 30, 2021) The amount requested and approved by the DOB and Governor Kelly is \$325,571.
  - d) Performance Based Budgeting (PBB)–Nothing new to report at this time.
- 2) Information regarding the International Conference of Funeral Service Examining Boards (ICFSEB):
  - a) A copy of the Model Internship Program was distributed.
  - b) 2019 Monthly NBE Results were provided.
  - c) Information from the 2019 Annual Convention was provided.
  - d) A copy of the 2019 Operating Budget was provided to the Board for their review.
  - e) A copy of the 2018 Annual Report was provided to the Board for their review.
- 3) There was no new information to report from the Council on Licensure, Enforcement and Regulation (CLEAR).
- 4) Information regarding the Federation of Associations of Regulatory Boards (FARB):
  - a) Mr. Smith provided a report regarding his attendance at the 43<sup>rd</sup> Annual FARB Forum where he represented the ICFSEB.
- 5) Information for the Kansas Funeral Directors Association (KFDA):
  - a) Executive Secretary Smith provided a report from the Embalming Seminar held on January 15, 2019 in Salina that he and Inspector Mills attended.
  - b) The board reviewed the January 2019 KFDA Journal.
  - c) The board reviewed the February 2019 KFDA Journal.
  - d) Information from the 2019 KFDA Regional Meetings was shared.
  - e) President Steil, Inspector Mills and Executive Secretary Smith are planning on attending the Tri-State Convention which will be held May 6-8, 2019 in Overland Park, Kansas.
- 6) The KSBMA's website, located at <http://ksbma.ks.gov/>, continues to be maintained by staff and updated on a regular basis.

- 7) There was no new information to report from the National Funeral Directors Association (NFDA).
- 8) There was no new information to report from the Federal Trade Commission (FTC) regarding the FTC Funeral Rule.
- 9) There was no new information to report from the American Board of Funeral Service Education (ABFSE.)
- 10) Information to report from the Cremation Society of North America (CANA)
  - a) The Board reviewed information provided by CANA related to the cremation of bodies that have been treated with radioactive material noting the low risk involved when proper safety procedures are followed.
- 11) There was no new information to report from the Funeral Consumer's Alliance (FCA)
- 12) There was no new information to report from the Funeral Consumer's Alliance of Greater Kansas City (FCA-GKC.)
- 13) There was no new information from the Funeral Ethics Organization (FEO).
- 14) There was no new information from the Kansas Department of Health and Environment (KDHE), Office of Vital Statistics (OVS).
- 15) There was no new information to report from the Kansas City Kansas Community College (KCKCC) Mortuary Science Program.
- 16) There was no new information from the Kansas Mass Fatality Planning Task Force.
- 17) There was no new information from the Kansas Ebola Preparedness and Response Plan.
- 18) The agency's Continuity of Operations Planning System (COOP) continues to be updated quarterly or more often as is needed. This is the system utilized in cases of emergencies by the State of Kansas for state agencies. COOP also sends monthly planning topics to all state agencies—including the KSBMA.
- 19) Information from the Non-Cabinet Agency Heads Meeting of Thursday, January 24, 2019 was discussed. Information was provided by Brooklynne Mosley, Deputy Director of Appointments of the Governor's Office; Interim Secretary of Administration Duane Goossen; Chief Information Security Officer Rodney Blunt from the Office of Information Technology Services (OITS) and an update on new features in KanFocus software provided by Board of Healing Arts Executive Director Kathleen Lippert.
- 20) Legal Representation Charges—A completed contract with a flat fee of \$14,000 (based on an estimate of 175 hours @ \$80.00 per hour) has been signed with the Office of the Kansas Attorney General (OAG) for the time frame of July 1, 2019–June 30, 2020.

### **VIII. Examination Content Update**

Board Member Tinsley has been working with the executive secretary on reviewing and approving examination questions.

(Bedene-Schwartz) Pursuant to K.S.A. 2018 Supp. 75-4319, I move the Board recess into executive session and reconvene the open meeting in this room at 11:30 a.m. The subject to be discussed in the executive session concerns the Board's authority under K.S.A. 65-1760 *et seq.* The justification is consultation with the Board's General Counsel, Assistant Attorney General Janet Arndt, that

would be deemed privileged in the attorney-client relationship. I also move that the Board's Executive Secretary, Mack Smith, be included in the executive session as part of the attorney-client relationship. Carried.

(Schwartz-Tinsley) To direct Executive Secretary, Mack Smith, to send a letter with the assistance of the Board's legal counsel to respond to the letter from Constance L. Shidler requesting a legal opinion or an advisory opinion from the Board. Carried.

**IX. The board met with *Applicants for Licensure* to discuss their applications and apprenticeships:**

**Embalmer-Funeral Director Applicant: Mr. Mathew A. "Matt" Ratliff**

(Boomhower-Bedene) To grant an embalmer license upon payment of an initial license fee of \$189.00 and to grant a funeral director license upon passing of written funeral director examination, which will be administered later today and payment of an initial license fee of \$234.00. Carried. Mr. Ratliff completed his embalmer and funeral director apprenticeships on April 3, 2019 at Carlson's Irvin-Parkview Funeral Home and Cremation located in Manhattan, Kansas. Once issued, the renewal date for the licenses would be June 30, 2021. Mr. Ratliff earned an Associate in Occupational Studies Degree in Funeral Service at the American Academy McAllister Institute in New York, New York and passed the National Board Examination (NBE) administered by the International Conference of Funeral Service Examining Boards (ICFSEB.)

**Embalmer-Funeral Director Applicant: Ms. Whitney K. VanArsdale**

(Schwartz-Tinsley) To grant an embalmer license upon payment of an initial license fee of \$49.00 and to grant a funeral director license upon passing of written funeral director examination, which will be administered later today and payment of an initial license fee of \$14.00. Carried. Ms. VanArsdale completed her embalmer and funeral director apprenticeships on March 16, 2019 at Highland Park Funeral Home located in Kansas City, Kansas. Once issued, the renewal date for the licenses would be October 31, 2019. Ms. VanArsdale earned an Associate in Applied Science Degree in Mortuary Science at Kansas City Kansas Community College and passed the National Board Examination (NBE) administered by the International Conference of Funeral Service Examining Boards (ICFSEB.)

**Reciprocal (Tennessee) Embalmer-Funeral Director Applicant: Ms. Wendy L. Kopina**

(Bedene-Schwartz) To grant a reciprocal embalmer license upon payment of an initial license fee of \$140.00 and to grant a funeral director license upon passing of written funeral director examination, which will be administered later today and payment of an initial license fee of \$190.00. Carried. Ms. Kopina is licensed as an embalmer and funeral director in the state of Tennessee. Once issued, the renewal date for the licenses would be November 30, 2020. Ms. Kopina earned an Associate in Applied Science Degree at Northwest Mississippi Community College and passed the National Board Examination (NBE) administered by the

International Conference of Funeral Service Examining Boards (ICFSEB.) She will be employed at McGilley and Frye Funeral Home and Cremation Service at Olathe, Kansas.

**X. New/Old/Remaining Business/Adjournment**

(Bedene-Tinsley) To adjourn—subject to recall by the president, vice president or executive secretary. Carried. The date of the next regularly scheduled board meeting is Thursday, July 11, 2019.

At approximately 1:30 p.m. Executive Secretary Smith read instructions to the funeral director examinee applicants prior to the administration of the funeral directors' examination which was proctored by Inspector Francis Mills in the Florentine Room of the Jayhawk Tower.

Respectfully submitted:



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Robert J. Steil, President  
Thursday, July 11, 2019  
(Date)



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Mack Smith, Executive Secretary  
Thursday, July 11, 2019  
(Date)